

SEP 26 2002

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number 7002 0860 0006 5960 0546

Mr. Mark Peterson
Guardian Industries Corp.
300 S. 5th Ave E
De Witt, IA 52742

Dear Mr. Peterson:

Re: Confidential Business Information (CBI)
Guardian Industries Corp.
De Witt, IA
RCRA ID No. IAR000006668

Request for Information



This letter is in response to your request that certain documents submitted to this Agency be treated as confidential business information (CBI). During the July 10, 2002, inspection, you asserted a business confidentiality claim covering all information. The regulations providing both the definition of, and affording the protection for, CBI are contained in Subpart B of Title 40 Code of Federal Regulations (40 CFR) Part 2. In accordance with these regulations, the U.S. Environmental Protection Agency (EPA) is presently protecting your claim of confidentiality until such time as the Agency makes a final determination on the viability of your claim.

This letter is to notify you that the EPA Office of Regional Counsel will be making a final confidentiality determination concerning this information. If you believe that some or all of the information contained in the inspection report is entitled to confidential treatment, please answer the questions below. Please be specific by page and paragraph when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim will be disclosed to the requester without further notice to you. For each item or class of information that you identify as being subject to your claim, please answer the following questions:

1. For what period of time do you request that the information be maintained as confidential? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.

JMA:7928:18SEPT02/H:ARTD/RESP/KUEHL/CBISUBSTANTIATIONREQUEST.WPD					
Branch	RESP	RESP	CNSL	RESP	
Name	KUEHL	SLUGANTZ	BORRAMEO	HUFFMAN	
Initials	2/12	LSueg		DJA	
Date	9/18/02	9/18/02		9/26/02	

2. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
5. Is the information contained in any publicly available material such as promotional publications, annual reports, articles, etc.? Is there any means by which a member of the public could obtain access to the information?
6. Discuss with specificity why release of the information claimed as confidential is likely to cause substantial harm, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is "voluntarily submitted" as defined at 40 CFR 2.201(i)? If so, explain why, and how disclosure would tend to lessen EPA's ability to obtain similar information in the future.
8. Is the information unit prices? If not, explain why your information is something other than unit prices.
9. Any other issue you deem relevant. Please note that you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination.

If you wish to claim any of the information in your response as confidential, you must mark the response "Confidential" or with a similar designation, and must bracket all text so claimed. Information so designated will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 CFR Part 2, Subpart B. If you fail to claim the information as confidential upon submission, it may be made available to the public without further notice to you.

Your comments must be postmarked or hand-delivered to this office by the 15th working day after your receipt of this letter. You may seek an extension of time to submit your comments, but the request must be made to Kori Kuehl, Compliance Officer, ARTD/RESP, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, KS, before the end of the

response period. Further, in accordance with 40 CFR §§ 2.205(c) and 2.203(b), if you wish your response to be treated as confidential, you must mark it as such, employing language such as *trade secret, proprietary, or company confidential*. Failure to submit your comments within the response time, including any extension of time permitted, will be regarded as a waiver of your confidentiality claim, and EPA will be free to release the information. Should you have any questions in this matter, please call Ms. Kuehl at (913) 551-7154.

Sincerely,

Diane L. Huffman
Chief
RCRA Enforcement and State Programs Branch

UNITED STATES POSTAL SERVICE



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**United States Environmental
Protection Agency**
Region VII, ARTD/RESP
901 North 5th Street
Kansas City, Kansas 66101

REC'D

OCT 01 2002

RESP

Knehl

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U.S. Postal Service
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Mr. Mark Peterson		
Guardian Industries Corp.		
300 S. 5 th Ave E		
De Witt, IA 52742		
Street, Apt., or PO Box		
City, State, Zip		

PS Form 3800, April 2002

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Mark Peterson
Guardian Industries Corp.
300 S. 5th Ave E
De Witt, IA 52742

2. Article Number

(Transfer from service label)

7002 0860 0006 5960 0546

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1035

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Chris J. Berner*☐ Agent☐ Addressee

B. Received by (Printed Name)

CHRIS J. BERNER

C. Date of Delivery

9-28-

D. Is delivery address different from item 1?

☐ Yes

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☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

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- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, April 2002 (Reverse)

102595-02-M-1132